

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR & RD Department – Allegations of irregularities in execution of work “CPWS to Kotagiri and 23 habitations (Phase-II)” in Nizamabad District – Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada Division, Nizamabad District now at RWS Division, Mahaboobnagar District – Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 – Article of Charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No. 70.

Dated:20.01.2010.

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ORDER:

It is proposed to hold an enquiry against Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada Division, Nizamabad District now at RWS Division, Mahaboobnagar District, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges Annexure-I. A list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are appended as Annexure-II and Annexure-III.

3. Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada Division, Nizamabad District now at RWS Division, Mahaboobnagar District, is directed to submit within (10) days of the receipt of this order, a Written statement of defence. He is informed that an inquiry will be held only if the article of charge is not admitted. He should, therefore, specifically admit or deny the article of charge.

4. Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada Division, Nizamabad District now at RWS Division, Mahaboobnagar District, is further informed that if he does not submit his written statement of defence within the stipulated period specified in para (3) above, further action will be processed based on the material available.

5. Attention of Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada Division, Nizamabad District now at RWS Division, Mahaboobnagar District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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6. The receipt of this G.O. shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada Division,
Nizamabad District now at RWS Division, Mahaboobnagar District through
the Engineer-in-Chief, RWS&S, Hyderabad.

The Engineer-in-Chief, RWS&S, Hyderabad.

(with a request to serve and return the acknowledged copy and W.S.D.)

Copy to:

The G.A.(V&E) Dept.

SF/SCs

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-I

(to G.O.Rt.No. 70 , Panchayat Raj & Rural Development Department,
dt. 20.01.2010)

CHARGE:

That Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada Division, Nizamabad District now at RWS Division, Mahaboobnagar District, has committed irregularities for his personal gain by misutilising his official position by passing 5th & part bill without arithmetic check of contents and totaling, which resulted in excess payment in “formation of earthen bund for S.S. tank with excavated soils” component in 5th & part bill which resulted in excess payment.

BASIS:

As seen from the report of the V&E Dept. in Report No.35 (736/V&E/E2/2006) dt. 09.10.2009 in respect of the work “CPWS to Kotagiri and 23 habitations (Phase-II)” in Nizamabad District, the total net quantity of the component (bund formation) as executed in the field was 1,66,207.19 cum only and the same was completed by 2nd & Part bill and no further work on the item was either executed or recorded in any M. Book till the final bill.

In C.C. 2nd and part bill, originally, the executed quantity (bund formation) which was recorded as 1,38,422.56 cum has been check measured with deductions as 1,34,825.25 cum (pg 46 of MB No.633/01-A). The total quantity as per CC 1st & CC 2nd bill is 1,66,207.10 cum and all these quantities were corrected/over written which are check measured by the Deputy Executive Engineer and the final measurements considered as under:

Executed quantity in CC IInd & Part bill: 1,56,279.13 cum
(original 1,38,423.66 cum)

Net quantity : 1,52,664.22 cum
(original 1,34,808.75 cum)

Total quantity of two bills : 1,84,062.66 cum
(original 1,66,207.19 cum)

As seen from the M.Book No.633/01-A wherein detailed measurements were recorded the full quantity of earth work for formation of bund was recorded and check measured by the time of CC 2nd & Part bill i.e., quantity of 1,84,062.66 cum and check measured. However, in MB No.627/01-A i.e., abstract of payments, the quantity recorded for payment is as under:-

CC 2 nd & Part	:	1,66,207.19 cum
CC 3 rd & Part	:	1,74,204.18 cum
CC 4 th & Part	:	1,74,204.18 cum
CC 5 th & Part	:	1,84,062.66 cum

From the above, it is clear evident that, when no formation work was carried out after recording and check measurement. In CC 2nd and part bill, the total earthwork quantity should remain constant. Further, the payment for earthwork was fully paid after CC 2nd & part bill. As the concerned section officer has also accepted that no work was carried out CC 2nd & part bill. Hence, the increase recorded in quantities after CC 2nd & part bill. Hence, the increase recorded in quantities after CC 2nd & part bill was not with reference to executed work.

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Originally, the full quantity of 1,66,207.29 cum was recorded and check measured in CC 2nd & part bill, but subsequently, the quantity was corrected as 1,84,062.86 cum and payment for excess quantity of 17,222.07 cum was recorded, check measured and released in CC 3rd & part bill (7,996.99 cum) and CC 5th & Part bill (9,858.48 cum).

The excess/fraud measurements which were recorded, check measured and scrutinized by drawing branch and accounts branch has been passed and recommended for payment without any verification and objection which had resulted in release of excess payment to contractor. As overwriting, corrections were made after original recording, without any objection the said recordings were check measured scrutinized and payment was made.

This payment is a deliberate fraud committed and the corrections were not even attested by any officer which is primary obligatory requirement.

After bringing the above irregularity into light by V&E dept. only, the concerned Executive Engineer had adjusted the above amount by TEO duly forfeiting deposits of contractor and also by way of challan dt. 09.07.2007. Had not the V&E Dept., inspected the work and pointed out the above irregularity, there would have a huge financial loss to the state exchequer.

The Executive Engineer, cannot give absolve himself from the responsibility of the misappropriation taken place on the reason that due to heavy work load, it was not possible for him to cross check each and every item of the bill, but he had checked some of the items randomly in CC 5th & part bill, under the assumption that the bill will be thoroughly checked and pre-audited in the division office before effecting payment. Being a division head and drawing authority, the Executive Engineer ought to have borne the consequences which are aroused. Had he attended his legitimate duties properly, the excess payment would not have done.

Thus, he failed in attending his legitimate duties which is a serious lapse which should not have expected from the loyal Government Servant.

Hence, the Charge.

CHITRA RAMCHANDRAN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-II

(to G.O.Rt.No. 70 , Panchayat Raj & Rural Development Department,
dated.20.01.2010)

List of documents by which the article of charges is proposed to be sustained
against Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada
Division, Nizamabad District now at RWS Division, Mahaboobnagar District.

Vigilance Report No.35 (736/V&E/E2/2006), dt. 12-03-2008 of G.A. (V&E)
Dept.

CHITRA RAMCHANDRAN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-III

(to G.O.Rt.No. 70 , Panchayat Raj & Rural Development Department,
dated. 20.01.2010)

List of witnesses by whom the article of charges is proposed to be sustained
against Sri U.S.N. Murthy, formerly Executive Engineer, RWS, Banswada
Division, Nizamabad District now at RWS Division, Mahaboobnagar District,

-Nil-

CHITRA RAMCHANDRAN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER